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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO/OAKLAND DIVISION
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13 FACEBOOK, INC., a Delaware
corporation,

14 *Plaintiff,*

15 v.

16 BRANDTOTAL, LTD., an Israeli
corporation, and
17 UNIMANIA, INC., a Delaware
corporation,

18 *Defendants.*
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Case No.: 3:20-CV-07182-JCS

**[PROPOSED] ORDER GRANTING
DEFENDANTS BRANDTOTAL, LTD.
AND UNIMANIA, INC.'S MOTION FOR
PRELIMINARY INJUNCTION**

1 The Court, after having read and considered Defendants/Counterclaim Plaintiffs
 2 BrandTotal, Ltd. and Unimania, Inc.’s (collectively, “BrandTotal”) Motion for Preliminary
 3 Injunction and all supporting papers (“Motion”), and good cause appearing therefore:

4 IT IS HEREBY ORDERED that BrandTotal’s Motion is Granted.

5 To obtain a preliminary injunction, the moving party must demonstrate: 1) a likelihood of
 6 success on the merits; 2) a likelihood of irreparable harm in the absence of preliminary relief; 3)
 7 that the balance of equities tips in the plaintiff’s favor; and 4) that an injunction is in the public
 8 interest. *See Randazza v. Cox*, 920 F. Supp. 2d 1151, 1155 (2013). The Ninth Circuit has held that
 9 district courts may issue a temporary restraining order if the first two elements are met, and there
 10 are serious questions going to the merits and a hardship balance that tips sharply toward the
 11 plaintiff. *See Alliance for the Wild Rockies v. Cottrell*, 632 F. 3d 1127, 1134–35 (2011).

12 BrandTotal has sufficiently met this standard, showing that:

- 13 (1) absent injunctive relief, BrandTotal is likely to suffer irreparable harm, including
- 14 substantial disruption to its business;
- 15 (2) the balance of equities tips decidedly in BrandTotal’s favor;
- 16 (3) BrandTotal is likely to succeed on the merits of its claims as well as Facebook’s claims;
- 17 and
- 18 (4) the public interest would be served by the issuance of a preliminary injunction.

19 Accordingly, this Court hereby GRANTS BrandTotal’s Motion in its entirety and
 20 ORDERS as follows:

21 A. Plaintiff/Counterclaim Facebook, Inc. shall:

- 22 (1) rescind the takedown request to remove the UpVoice extension from the Google
- 23 Chrome Web Store and not oppose the inclusion of a replacement UpVoice extension on the
- 24 Store;
- 25 (2) reverse any “technical enforcement measures” blocking UpVoice from Facebook’s
- 26 platform or otherwise prohibiting Panelists from sharing their information with BrandTotal; and
- 27 (3) restore the Facebook accounts of BrandTotal such that BrandTotal may resume
- 28 advertising efforts to recruit Panelists.

1 B. No bond shall be required, as Facebook is not likely to be harmed by being so enjoined.

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3 IT IS SO ORDERED.

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5 Dated: _____, 2021

6 Honorable Joseph C. Spero
7 Chief Magistrate Judge
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